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| EXAMINER | |
|---|---|
| NGUYEN, JOSEPH D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2683 | |

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/867,619 | Applicant(s) ELOMAA, TIMO | |
|---|---|---|---|
| | Examiner Joseph D Nguyen | Art Unit 2683 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *31 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, 7-8, 12-14, 16-17, 19-20, 24-26, 18-29, 31-32, 38-39, 41-42, and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson (5,241,583).

Regarding claim 1, Martensson discloses a mobile terminal (#1 fig. 1A) comprising:

a) a controller (#4 fig. 2, col. 3 line 63 thru col. 4 line 10);

a) a keypad comprising a plurality of keys (#6 fig. 1, col. 4 lines 11-22), including at least one soft key coupled to the controller (#6b fig. 1), the keypad being under control of the controller (#6 fig. 2, col. 4 lines 11-22) and having an active mode during which key inputs from the keys activate mobile terminal functions (col. 5 lines 10-41) and an inactive mode (lock is enabled) during which a first type of key input from the at least one soft key to the controller does not activate the mobile terminal functions (col. 5 lines 10-41); and

wherein during the inactive mode, the controller is responsive to a second type of key input from at least one soft key which activates at least one mobile terminal function without return to the active mode (col. 5 lines 42-49).

Regarding claim 2, Martensson further discloses a mobile terminal in accordance with claim 1 wherein: the second type of key input is an input from one soft key (col. 5 lines 10-49).

Regarding claim 4, Martensson further discloses a mobile terminal in accordance with claim 1 wherein: the second type of key input is from one soft key which is a double keystroke from one of the keys with each keystroke having a duration less than a set time interval (col. 5 line 58 thru col. 6 line 16).

Regarding claim 5, Martensson further discloses a mobile terminal in accordance with claim 1 comprising: a display, under control of the controller, which displays an indicator of the inactive mode (KEY LOCK) (#5, col. 5 lines 24-28); and wherein the activation of the at least one mobile terminal to initiate selection of a mobile terminal function during the inactive mode by the second type of key input is signaled by display of an indicator of the inactive mode and display of another indicator (menu) (col. 5 lines 10-41).

Regarding claim 7, Martensson further discloses a mobile terminal in accordance with claim 5 wherein: the another indicator is text (menu is text) (col. 4 lines 39-54).

Regarding claim 8 Martensson further discloses a mobile terminal in accordance with claim 1 comprising:

a) a microphone coupled to the controller (col. 4 lines 39-62); and

b) the at least one mobile terminal function activated during the inactive mode is a voice activated function which is inputted by a voice input through the microphone from a user of the mobile terminal to the controller which controls outputting of the voice activated function (col. 4 lines 39-62).

Regarding claim 12, Martensson further discloses a mobile terminal in accordance with claim 1 comprising: a sensor, coupled to the controller (col. 2 lines 35-43, col. 3 lines 31-37, and col. 4 lines 2-22), which senses reception of transmissions; and the controller, in response to the reception, enables a mobile terminal function during the inactive mode to activate at least one mobile terminal function (col. 2 lines 35-43, col. 3 lines 31-37, and col. 4 lines 2-22).

Regarding claim 13, Martensson discloses a method of activating a terminal function using a mobile terminal (abstract, fig. 1) having a controller (#4 fig. 2, col. 4 lines 2-10) and keypad (#6 fig. 1) comprising:

a) a plurality of keys (#6 fig. 1), including at least one soft key coupled to the controller (#6b fig. 1-2), the keypad under control of the controller having an active mode during which key inputs from the keys activate terminal functions (#6 fig. 1, col. 4 lines 11-22) and an inactive mode (lock key enable) during which a first type of key input from the at least one soft key to the controller does not activate mobile terminal functions (col. 5 lines 10-41) comprising:

b) inputting a second type of key (pressing the key) input from at least one soft key to the controller during the inactive mode which activates at least one mobile terminal function without return to the active mode (col. 5 lines 42-49).

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 25, Martensson discloses a mobile terminal (abstract, fig. 1) comprising:

a) a controller (#4 fig. 2, col. 4 lines 2-10);

b) at least one sensor (col. 2 lines 36-43, col. 3 lines 31-37) which is responsive to an environmental input (predetermined keystroke) from an environment in which the mobile terminal is located (which key is pressing/depressing) (col. 2 line 36 thru col. 3 line 50, and col. 4 lines 11-63, and col. 5 lines 10-49);

c) a keypad comprising a plurality of keys (#6 fig. 1), including at least one soft key coupled to the controller (#6b fig. 3, col. 4 lines 2-22), the keypad being under control of the controller (#6 fig. 2) and having an active mode (enable mode) during

which key inputs from the keys activate mobile terminal functions (col. 4 lines 11-38), and an inactive mode (lock mode) during which a first type of key input from the at least one soft key to the controller does not activate the mobile terminal functions (col. 5 lines 10-41); and wherein during the inactive mode, the controller is responsive to an input from the at least one sensor and a second type of key input from at least one soft key which activates at least one mobile terminal function without return to the active mode (col. 2 lines 36-43, col. 3 lines 31-37, and col. 5 lines 42-49).

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 38, Martensson discloses a method of activating a terminal function using a mobile terminal having a controller (microprocessor) (#4 fig. 2, col. 4 lines 2-10), at least one sensor which is responsive to an environmental input (predetermined keystroke) from an environment in which the mobile terminal is located (col. 2 lines 36-43, col. 3 lines 31-37) and keypad (#6 fig. 1-2) comprising a plurality of

keys (#6a-b fig. 1-2), including at least one soft key coupled to the controller (#6b fig. 1-2, col. 4 lines 2-38), the keypad under control of the controller having an active mode during which key inputs from the keys activate terminal functions (col. 4 lines 23-63) and an inactive mode during which a first type of key input from the at least one soft key to the controller does not activate mobile terminal functions (col. 5 lines 10-41) comprising:

receiving an input (when the user pressing the key and the microprocessor recognizes the input which means receiving the input) from the at least one sensor and inputting a second type of key input from at least one soft key to the controller during the inactive mode (keyboard lock is enabled) which activates at least one mobile terminal function without return to the active mode (when the mobile device is in inactive mode and receiving the incoming call the user only needs to press a second type of key input to answer the call and after the call the mobile will return to the previous mode (inactive mode)) (col. 3 lines 31-50, and col. 5 line 10 thru col. 6 line 16).

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 41, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 42, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 44, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 45, this claim is rejected for the same reason as set forth in claim 8.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-4, 9-11, 15, 21-23, 27, 33-37, 40, and 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (5,241,583).

Regarding claim 3, Martensson further discloses a mobile terminal in accordance with claim 2 wherein: the second type of key input from one soft key is a single keystroke having a predetermined time interval (col. 5 line 58 thru col. 6 line 16). However, Martensson does not specifically disclose a single keystroke having a duration is longer than a selected time interval, but it would have been obvious to one ordinary skilled in the art that a duration which is longer than a selected time interval is depending on the predetermined time interval.

Regarding claim 9, Martensson further discloses a mobile terminal in accordance with claim 1 comprising: a microphone coupled to the controller (col. 3 line 63 thru col. 4 line 62); and the controller, in response to a sound level sensed by the microphone, enables at least one mobile terminal function during the inactive mode (col. 3 line 63 thru col. 4 line 62). However, Martensson does not specifically disclose the controller in

response to a sound level sensed by the microphone, but it would have been obvious to one ordinary skilled in the art that the microphone is built to response to a sound level.

Regarding claim 10, Martensson further discloses a mobile terminal in accordance with claim 9 wherein: the at least one mobile terminal function activated during the inactive mode is switching the mobile terminal to an inaudible ringing (col. 4 lines 39-62). However, Martensson does not specifically disclose the inactive mode is switching the mobile terminal to an inaudible ringing, but it would have been obvious to one ordinary skilled in the art that when the user can select the ring tone by appropriate menu selection, which means the at least one mobile terminal function activated during the inactive mode is switching the mobile terminal to an inaudible ringing by the user selected.

Regarding claim 11, Martensson further discloses a mobile terminal in accordance with claim 9 wherein: the at least one mobile terminal function activated during the inactive mode is switching the mobile terminal to operate with a louder ringing (col. 4 lines 39-62). However, Martensson does not specifically disclose the inactive mode is switching the mobile terminal to operate with a louder ringing, but it would have been obvious to one ordinary skilled in the art that when the user can select the ring tone by appropriate menu selection, which means the at least one mobile terminal function activated during the inactive mode is switching the mobile terminal to operate with a louder ringing by the user selected.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 35, Martensson further discloses a mobile terminal in accordance with claim 32 wherein: the sensor is receiving electronics (keystroke) and the input from the environment is detection (recognizing) of telecommunications being broadcast (speech) (col. 3 lines 31-37, col. 4 lines 39-62). However, Martensson does not specifically disclose the input from the environment is detection of telecommunications being broadcast, but it would have been obvious to one ordinary skilled in the art that the mobile device having voice activated function can detecting the speech input to the microphone is the input from the environment of telecommunications being broadcast.

Regarding claim 36, Martensson further discloses a mobile terminal in accordance with claim 35 wherein: the activated at least one mobile terminal function is turning off the mobile terminal (col. 4 lines 39-62). However, Martensson does not specifically disclose activated a least one mobile function is turning off the mobile terminal, but it would have been obvious to one skilled in the art that the voice activation function can do whatever the user's commanding, such as turning off the mobile terminal.

Regarding claim 37, Martensson further discloses a mobile terminal in accordance with claim 35 wherein: the activated at least one mobile terminal function is diverting communications from being broadcast to the mobile terminal to being received by another device (col. 4 lines 14-50, and col. 4 lines 39-62). However, Martensson does not specifically disclose the activated at least one mobile terminal function is diverting communications from being broadcast to the mobile terminal to being received by another device, but it would have been obvious to one ordinary skilled in the art that the voice activation function should diverts communications from being broadcast to the mobile terminal to being received by another device.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 46, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 47, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 48, this claim is rejected for the same reason as set forth in claim 35.

Regarding claim 49, this claim is rejected for the same reason as set forth in claim 36.

Regarding claim 50, this claim is rejected for the same reason as set forth in claim 37.

Regarding claim 51, Martensson further discloses a mobile terminal in accordance with claim 25 wherein: the environmental input is location information of the mobile terminal (predetermined keystroke) (fig. 1-2, col. 4 lines 11-62); and the mobile terminal function is dependent upon the location information provided to the mobile terminal (fig. 1-2, col. 4 lines 11-62). However, Martensson does not specifically disclose the environmental input is location information of the mobile terminal; and the mobile terminal function is dependent upon the location information provided to the mobile terminal, but it would have been obvious (well known) to one ordinary skilled in the art that when mobile terminal recognizes which key was pressed/depressed which means the mobile terminal recognizes the environmental input is location information of the mobile terminal; and the mobile terminal function is dependent upon the location information provided to the mobile terminal.

Regarding claim 52, this claim is rejected for the same reason as set forth in claim 51.

5. Claims 6, 18, 30, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (5,241,583) in view of Hansen et al. (6,370,362).

Regarding claim 6, Martensson further discloses a mobile terminal in accordance with claim 5. However, Martensson does not specially disclose the mobile terminal displays the another indicator is an icon.

Hansen et al. teaches the mobile terminal displays the another indicator is an icon (col. 6 line 62 thru col. 6 line 5). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Martensson with the teaching of Hansen et al. of display another indicator is an icon in order to provide user with the multiple information and status of the mobile device.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 43, this claim is rejected for the same reason as set forth in claim 6.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

May. 26, 2004

WILLIAM TROST
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